

Application No. 09/973,290

### REMARKS/ARGUMENTS

This paper is in response to the Office Action dated December 5, 2003.

In the aforementioned Office Action, the Examiner has rejected claims 14-21 under the judicially created doctrine of obviousness-type double patenting, more particularly over claims 30-50 of Holl et al., US Patent No. 6,159,264 and to claims 30-50 of Holl et al., US Patent No. 6,391,082.

Enclosed please find a Terminal Disclaimer, referencing Holl et al., US Patent No. 6,391,082. Holl et al., US Patent No. 6,159,264, the first document cited in the Office Action, is a withdrawn patent. If there is need for filing of a supplemental Terminal Disclaimer in relation to the withdrawn patent, Applicants respectfully request that the Examiner contact Applicants' undersigned representative via telephone or post so that appropriate action may be undertaken.

The filing of the Terminal Disclaimer obviates the Examiner's rejection and it is respectfully requested that the Examiner withdraw the pending judicially created doctrine of obviousness-type double patenting rejections and allow Claims 14-21.

Applicant has complied with all requirements made in the above referenced communication.. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is again requested to telephone the Applicants' undersigned agent.

The Commissioner is authorized to charge the Terminal Disclaimer fee under 37 CFR 1.20(d) and any additional fees which may be required for this or any other submission in this case, or credit any overpayment to Deposit Account No. 50-2638.

Respectfully submitted,

Date: February 27, 2004

  
Claude Nassif, Ph.D.

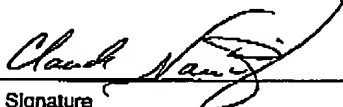
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PATENT TRADEMARK OFFICE

TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT		Docket Number (Optional) 58035-011900
In re Application of: Richard A. Holl Application No.: 09/973,290 Filed: October 5, 2001 For: Manufacture of Flat Surfaced Composites Comprising Powder-Fillers in a Polymer Matrix		
<p>The owner*, <u>Holl Technologies Company</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>6,391,082</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record.</p> <div style="text-align: right;"><p> Signature <span style="margin-left: 100px;">2-27-2004</span> Date</p><p>Claude Nassif, Reg. No. 52,081 Typed or printed name</p><p>(310) 586-7828 Telephone Number</p></div> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) included.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</p>		

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.